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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 MARY LIVINGSTON,

12 Plaintiff,

13 v.

14 LEUPOLD & STEVENS, INC.,

15 Defendant.
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No. 2:23-CV-0090-KJM-DMC

ORDER

17 Plaintiff, who is proceeding with retained counsel, brings this civil action. The
18 parties appeared before the undersigned via Zoom on June 21, 2023, at 10:00 a.m., for an initial
19 scheduling conference. Upon consideration of the joint status report on file in this action,
20 discussion with counsel, and good cause appearing therefor, the Court will, by this order, set a
21 schedule pursuant to Federal Rule of Civil Procedure 16(b).

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Accordingly, IT IS HEREBY ORDERED as follows:

1. Jurisdiction and venue are not contested.

2. No further joinder of parties or amendments to the pleadings is permitted without stipulation or leave of Court for good cause shown.

3. The parties are advised that they may, if all consent, have the matter re-assigned for all purposes, including entry of final judgment, to the undersigned Magistrate Judge. Given the extraordinary back-log of civil cases in this district, coupled with the shortage of District Judges and pandemic-related delays in criminal cases, it is anticipated that this matter could obtain an earlier trial date by consenting to Magistrate Judge jurisdiction. Any jury trial by consent to the undersigned would be conducted in Sacramento, California. The parties are encouraged to meet and confer regarding the issue of consent and requested to notify the Court of the respective elections at their earliest opportunity.

4. The Court sets the following pre-trial schedule for this litigation:

Answer to Complaint: A review of the docket reflects that Defendant has not filed an answer to Plaintiff's complaint, which was removed from state court on the basis of diversity jurisdiction. The parties' stipulation to set aside Defendant's default entered in state court, ECF No. 11, is approved. Defendant shall file an answer to the complaint on or before **August 1, 2023**.

Initial Disclosures: The parties are directed to exchange initial disclosures within 14 days of the date of entry of a stipulated protective order, such stipulated protective order to be submitted to the Court for approval on or before **August 1, 2023**.

Expert Witness Designations: The parties shall exchange initial lists of expert witnesses no later than **December 11, 2023**. The parties shall exchange lists of rebuttal expert witnesses no later than **January 8, 2024**. Such disclosures must be made pursuant to Federal Rule of Civil Procedure 26(a)(2)(A) and (B). The parties are reminded of their obligation to supplement these disclosures when required under Federal Rule of Civil Procedure 26(e).

Non-Expert Discovery: All non-expert discovery shall be completed and all motions pertaining to non-expert discovery shall be noticed to be heard by **February 12, 2024**.

Expert Discovery: All expert discovery shall be completed and all motions pertaining to expert discovery shall be noticed to be heard by **March 29, 2024**.

Dispositive Motions: All dispositive motions shall be noticed to be heard by **May 29, 2024**.

Duty to Supplement: The parties are reminded of their continuing obligation to supplement their initial disclosures, discovery responses, and expert witness designations when required under Federal Rule of Civil Procedure 26(e).

5. A settlement conference is set before the undersigned on **April 17, 2024, at 10:00 a.m.**

6. The pre-trial conference and trial dates will be set by separate order.

IT IS SO ORDERED.

Dated: July 14, 2023



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE